HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:24239 OF 2007

Dated: 16.11.2007

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Between:

The Deputy Commissioner of Commercial Taxes, Kurnool, Kurnool District & others

…Petitioners

And

S.Dood Babu Vali **..Respondent**

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No24239 OF 2007

JUDGMENT: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is preferred by the petitioners seeking to set aside the order of the tribunal passed in O.A.No:5316 of 2005 on 19.6.2007.

The respondent is the applicant before the tribunal. He filed the O.A. seeking to declare that he is entitled for regularization of his services under G.O.Ms.No:212, Finance & Planning Department, dated 22.4.1994 on the ground that he completed 5 years of service as on 25.11.1993. The tribunal having observed that in view of the principles laid down by a Division Bench of this Court, the appointment of a person below the age of 18 years cannot be treated as illegal and for NMR service, particular age is not prescribed at the entry level and therefore, the case of the applicant should be considered for regularization from the date of completing the age of 18 years or at least from the date of completion of 5 years of service within the cut off date as prescribed in G.O.Ms.No:212, dated 22.4.1994, allowed the O.A. Having aggrieved by the same, the present writ petition is filed by the respondents.

Heard.

The fact that remains undisputed is that the applicant has been appointed as sweeper cum night watchman since the year 1.9.1987 in the office of the Deputy Commercial Tax Officer, Bethermcherla and has been discharging the duties since then. But, the ground that has been taken by the respondents for not extending the benefit under the G.O.Ms.No 212 is that at the time of appointment, the applicant was a minor and therefore, his services cannot be regularized. But, in view of the principles laid down by a Division Bench of this Court in

A.PRATAP SINGH V. A.P. STATE ELECTRICITY BOARD ([1]), the appointment of the applicant cannot be said to be illegal as rightly observed by the tribunal. Apart from that, it is not the case of the respondents that at the time of the initial engagement of the applicant, he has suppressed the facts as to the correct date of his birth and thereby, he has secured the services. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 16th November, 2007
NN/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION NO:24239 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

16.11.2007

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[1] 2000(6) ALT 522